

REMARKS

In response to the above-identified Office Action, Applicants amend the application and seek reconsideration thereof. In this response, Applicants amend Claims 20, 26 and 27. Applicants cancel Claims 24 and 25. Applicants do not add any new claims. Accordingly, Claims 20-23 and 26-29 are pending.

I. Claims Rejected Under 35 U.S.C. §112

The Patent Office rejects Claims 20-29 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Patent Office notes that it is unclear, with regard to Claim 20, whether the performance circuit and the protection circuit are formed on the same "integrated circuit substrate." In response, Applicants amend independent Claim 20 for clarification.

Accordingly, Applicants respectfully request withdrawal of the rejection of Claims 20-29 in light of the amendment to independent Claim 20.

II. Claims Rejected Under 35 U.S.C. §102(b)

The Patent Office rejects Claims 20-24 and 27-29 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,159,518 to Roy ("Roy"). Applicants cancel Claim 24, and thus, the rejection as to Claim 24 is moot.

In order to anticipate a claim, the relied upon reference must disclose every limitation of the claim. Among other limitations, independent Claim 20 now contains the limitations set forth in Claim 25, which the Patent Office has indicated as being allowable if rewritten in independent form. Therefore, Applicants respectfully submit that independent Claim 20, as amended, is allowable over the art of record.

Accordingly, Applicants respectfully request withdrawal of the rejection of amended independent Claim 20. Claims 21-23 depend from amended independent Claim 20 and are allowable for at least the same reasons.

Regarding Claim 27, Applicants submit herewith amendments to place Claim 27 in independent form, which Applicants believe contains limitations that are also allowable over the cited art of record.

In making the rejection of Claim 27, the Patent Office relies on Roy to show forming a unit transistor device (M4) having a drain region comprised of a doped region of the integrated circuit substrate occupying an area of the substrate sufficient to support a contact to the doped region, forming a gate region (M4) of the integrated circuit substrate surrounding the doped region, and forming a contact to the doped region (Figure 7).

In response, Applicants first note that only a cursory review of Figure 7 of Roy is necessary in order to see that Roy merely discloses a gate of device M4 that is adjacent to and above the drain region of the unit transistor device referred to by the Patent Office in making the rejection, which is not the same as forming a gate region surrounding the doped region, as recited in Applicant's amended independent Claim 27. Besides this structural distinction, Applicants note that the teachings of Roy cannot realize at least one of the advantages obtained by constructing a device according to the method of amended independent Claim 27. Specifically, formation of a gate region around the doped region yields a width to capacitance ratio of 4W/C, which is a gain of four times the width to capacitance ratio over conventional structures such as those shown in Roy (Applicants' Specification, page 19, line 22 through page 20, line 9; Figure 12). Therefore, Roy fails to disclose at least this limitation of Applicants' amended independent Claim 27.

Accordingly, Applicants respectfully request withdrawal of the rejection of amended independent Claim 27. Claims 28 and 29 depend from amended independent Claim 27 and are not anticipated at least for the same reasons.

III. Allowable Subject Matter

Applicants note with appreciation the Patent Office's indication that Claims 25 and 26 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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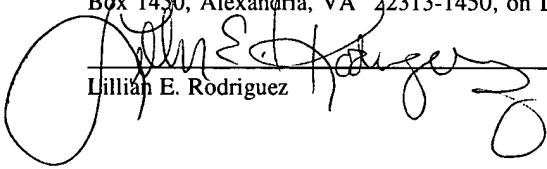
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CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 2, 2003.


Lillian E. Rodriguez

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